IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 3904 of 2000

Smt. Shalini R. Korad .. Petitioner
V/s.
The State of Maharshtra & ORs. .. Respondents

Mr. R.K. Mendadkar for the Petitioner
Mr. C.R. Sonawane, AGP. for the Respondent Nos. 1 to 4
Mr. V.P. Sawant, for the Respondent No. 5

CORAM : DR. S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 15.12.2005.

P.C.:-

1. Heard the learned counsel for the Petitioner, the learned Additional Government Pleader for the Respondent Nos. 1, 2, 3 and 4 and the learned counsel for the Respondent No. 5. It appears that the Petitioner was in employment of Respondent No. 5, claiming to be belonging to Mannervarlu, which is a scheduled tribe. The Respondent No. 5 had referred the matter for verification of the caste of the Petitioner i.e. whether she belongs to the Scheduled Tribe Mannervarlu. The said matter was considered by the Committee for Scrutiny & Verification of Tribe Claims and the Committee had by it’s order dated 14.7.1995, rejected the caste claim of the Petitioner and aggrieved thereby the Petitioner had approached this Court.

2. This Court had remanded the matter back to the Committee for Scrutiny & Verification of Tribe Claims. Subsequently, the Committee for Scrutiny & Verification

of Tribe Claims by it's order dated 27.8.1998 by detailed reasons, has come to the conclusion that the Petitioner does not belong to Mannervarlu, which is a Scheduled Tribe, however, the observations of the order indicates that the Petitioner's traits are not related to Mannervarlu. On the contrary, these traits are that of Munnurwar. The learned counsel for the Petitioner Mr. Mendadkar contends that it is equivalent to Telgu Phulmali.

3. In this Petition, the Petitioner is challenging the order dated 27.8.1998 passed by the Committee for Scrutiny & Verification of Tribe Claims, which hold that the Petitioner does not belong to the Mannervarlu, which is a scheduled tribe.

4. Mr. Mendadkar, the learned counsel for the Petitioner fairly states that the Petitioner is categorically giving up the claim of belonging to Mannervarlu, Scheduled tribe, however, the learned counsel for the Petitioner refers a recent certificate issued by the Deputy Collector, Pune, mentioning therein that the Petitioner belongs to Telgu Phulmali, which is a Special Backward Class. There is no dispute that this caste certificate is not scrutinised by any statutory authority. The Divisional Caste Certificate

Scrutiny Committee, Pune Division, Pune appears to be

the appropriate authority, which can scrutinise the aforesaid certificate, wherein it is mentioned that the Petitioner belongs to Telgu Phulmali, which is a special backward class.

5. Under these circumstances, the learned counsel for the Petitioner prays that the aforesaid authority, i.e. the Divisional Caste Certificate Scrutiny Committee, Pune Division, Pune shall verify the aforesaid caste claim of the Petitioner and give it’s decision as expeditiously as possible.

6. Having regard to the fact that the Petitioner was in employment till 1995, under the category of Scheduled tribe, under the aforesaid Mannervarlu category and her services were terminated in the year 1995, we direct the aforesaid Divisional Caste Certificate Scrutiny Committee, Pune Division, Pune to expeditiously dispose of the claim of the Petitioner, i.e. whether the Petitioner belongs to Telgu Phulmali or not, preferably within a period of six months from today. The Petitioner shall appear before the said Committee on 26.12.2005 to enable the Committee to fix the schedule of hearing.

7. In the event, the Caste claim of the Petitioner as Telgu Phulmali, Special Backward Class is validated by

the said Committee, the Respondent No. 5 to consider reinstating the Petitioner with continuity of her services as the termination of service was only on the basis of invalidation of caste claim. Mr. Mendadkar categorically states that the Petitioner will not be claiming any back wages in that behalf. Writ Petition stands disposed of accordingly.

(DR. S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)